

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

SHARON HUNT-RUBLE, as administrator :	:	
of the estate of EDWIN RUBLE, deceased, :	:	
and NORMAN ECCLESTON and LEO :	:	
ZUBE and KEITH HOHENSTEIN, :	:	
	:	CIVIL ACTION
Plaintiffs, :	:	
	:	CASE NO.: 1:10-CV-04520
v. :	:	
LORD, WORRELL & RICHTER, INC., :	:	
and RAYMOND WORRELL, and JOHN :	:	
DOES 1-10 and XYZ CORPORATIONS :	:	
1-10. :	:	
Defendants. :	:	
	:	

REQUEST TO ENTER DEFAULT JUDGMENT

TO THE CLERK:

Defendant Lord, Worrell & Richter, Inc. and Defendant Raymond Worrell having failed to properly Answer or otherwise appear in the above-captioned matter, the time for appearance having expired, and you having entered default against them, you are hereby requested to enter a default judgment against Defendant Lord, Worrell & Richter, Inc. and Defendant Raymond Worrell pursuant to Rule 55(b) of the Federal Rules of Civil Procedure.

Respectfully submitted,

SWARTZ SWIDLER, LLC

/s/ Richard S. Swartz

Richard S. Swartz, Esq.
1878 Marlton Pike East, Ste. 10
Cherry Hill, NJ 08003
Phone: 856-685-7420
Fax: 856-685-7417

Dated: August 24, 2012

Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

SHARON HUNT-RUBLE, as administrator :	:	
of the estate of EDWIN RUBLE, deceased, :	:	
and NORMAN ECCLESTON and LEO :	:	
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DOES 1-10 and XYZ CORPORATIONS :	:	
1-10. :	:	
	:	
Defendants. :	:	
	:	

JUDGMENT AND ORDER

AND NOW, this _____ day of _____, 2012, upon consideration
of the Motion for Default Judgment against Defendant Lord, Worrell & Richter, Inc. and
Defendant Raymond Worrell it is hereby ORDERED and DECREED that Plaintiffs' Motion
is granted. Plaintiffs are awarded judgment against Defendants.

IT IS HEREBY ORDERED that Plaintiff Hunt-Ruble is awarded judgment against
Defendants in the amount of: \$117,030 in actual damages and \$117,030 in liquidated damages
for a total amount of: \$234,060.

IT IS HEREBY ORDERED that Plaintiff Leo Zube is awarded judgment against
Defendants in the amount of: \$129,930 in actual damages and \$129,930 in liquidated damages
for a total amount of: \$259,860.

IT IS HEREBY ORDERED that Plaintiff Keith Hohenstein is awarded judgment against Defendants in the amount of: \$78,250 in actual damages and \$78,250 in liquidated damages for a total amount of: \$156,500.

IT IS HEREBY ORDERED that Plaintiff Norman Eccleston is awarded judgment against Defendants in the amount of: \$81,290 in actual damages and \$81,290 in liquidated damages for a total amount of: \$162,580.

BY THE COURT:

, J.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

SHARON HUNT-RUBLE, as administrator :	:	
of the estate of EDWIN RUBLE, deceased, :	:	
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ZUBE and KEITH HOHENSTEIN, :	:	
	:	CIVIL ACTION
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and RAYMOND WORRELL, and JOHN :	:	
DOES 1-10 and XYZ CORPORATIONS :	:	
1-10.	:	
	:	
Defendants. :	:	
	:	

**DECLARATION OF RICHARD S. SWARTZ, ESQUIRE, IN SUPPORT OF
REQUEST TO ENTER DEFAULT JUDGMENT**

I, Richard S. Swartz, Esquire, as an attorney licensed to practice law before this Court, say:

1. I am the attorney for the plaintiffs in this matter, Sharon Hunt-Ruble, as administrator of the estate of Edwin Ruble, Norman Eccleston, Leo Zube, and Keith Hohenstein (hereinafter collectively referred to as "Plaintiffs").
2. A copy of the Summons and Complaint in this matter was served on the corporate defendant, Lord, Worrell, & Richter, Inc. ("Defendant Lord, Worrell & Richter"), at 651 High St, Burlington, New Jersey, 08016, by Waiver of Service, signed by individual defendant Raymond Worrell, President of Defendant Lord, Worrell & Richter, on October 5, 2010. A copy of the Summons and Complaint in this matter was served on individual defendant Raymond

Worrell ("Individual Defendant"), at 651 High St, Burlington, New Jersey, 08016, by Waiver of Service, signed by Individual Defendant, President of Defendant, on October 5, 2010.

3. Individual Defendant, appearing pro se, filed an Answer to the Complaint on November 4, 2010; Defendant Lord, Worrell & Richter, however, did not file an Answer to the Complaint on November 4, 2010, or on any other day.

4. Indeed, on November 5, 2010, William T. Walsh, Clerk for this Court, informed Defendant Lord, Worrell & Richter that as a corporation, it could not file an Answer to the Complaint or otherwise act except through an attorney authorized to practice in this State.

5. On April 14, 2011, an Entry of Default against Defendant Lord, Worrell & Richter was entered by the clerk of the court for failure to file a pleading or otherwise defend Plaintiff's Complaint.

6. On June 19, 2012, an Entry of Default against Defendant Raymond Worrell was entered by the clerk of the court for failure to file a pleading or otherwise defend Plaintiff's Complaint.

7. Defendant Lord, Worrell & Richter and Defendant Raymond Worrell are not minor or incompetent persons.

8. The damages for a sum certain are detailed in Plaintiffs' Declarations which are attached and incorporated herein as Exhibit "A".

9. Accordingly, Plaintiffs request that this Honorable Court enter default judgment in the amount of \$813,000 in their favor and against Defendant Lord, Worrell & Richter and Defendant Raymond Worrell.

(Signature on next page)

Respectfully submitted,

SWARTZ SWIDLER, LLC

/s/ Richard S. Swartz

Richard S. Swartz, Esq.
Manali Arora, Esq.
1878 Marlton Pike East, Ste. 10
Cherry Hill, NJ 08003
Phone: 856-685-7420
Fax: 856-685-7417

Dated: August 24, 2012

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

SHARON HUNT-RUBLE, as administrator :	:	
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and NORMAN ECCLESTON and LEO :	:	
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	:	CIVIL ACTION
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LORD, WORRELL & RICHTER, INC., :	:	
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1-10.	:	
Defendants. :	:	

**MEMORANDUM OF LAW IN SUPPORT OF REQUEST TO
ENTER DEFAULT JUDGMENT**

Plaintiffs initiated this action on September 3, 2010 by filing with this Court a Complaint against defendant Lord, Worrell & Richter, Inc. ("Defendant Lord, Worrell & Richter") and defendant Raymond L. Worrell ("Individual Defendant"). Service of the Complaint was effectuated on:

- Defendant Lord, Worrell & Richter, at 651 High St, Burlington, New Jersey, 08016, by Waiver of Service, signed by Individual Defendant, President of Defendant Lord, Worrell & Richter, on October 5, 2010; and
- Individual Defendant, at 651 High St., Burlington, New Jersey, 08016, by Waiver of Service, signed by Individual Defendant, on October 5, 2010.

On November 4, 2010, Individual Defendant, appearing *pro se*, filed an Answer to the Complaint. Defendant Lord, Worrell & Richter, however, did not file an Answer to the Complaint on November 4, 2010 (or on any other day).

On November 5, 2010, the Clerk of this Court, by way of letter, informed Defendant Lord, Worrell & Richter that, as a corporation, it can only file an Answer with the assistance of a duly licensed attorney. Nonetheless, to date, over five (5) months later, Defendant Lord, Worrell & Richter has failed to file an Answer to the Complaint, and has failed to otherwise defend itself.

Moreover, it should not go unsaid that Plaintiffs' counsel has made a number of attempts to reach out to defendants to schedule a telephone conference pursuant to Federal Rule of Civil Procedure 26(f), and defendants have not responded to these attempts. Moreover, on March 8, 2011, and again on April 1, 2011, both defendants failed to appear for an *in-person* Rule 16 Conference schedule by this Court.

On April 12, 2011, Plaintiff filed a Motion for Default based on Defendant Lord, Worrell & Richter's failure to file any pleadings or defend against Plaintiffs' Complaint. On April 14, 2011, an Entry of Default was entered by the Clerk against Defendant.

On June 19, 2012, an Order was entered striking Defendant Raymond Worrell's Answer and instructing the Clerk to enter default against Defendant Raymond Worrell.

On June 19, 2012, an Order was entered by the Clerk against Defendant Raymond Worrell.

Legal Argument:

Pursuant to Federal Rule of Civil Procedure 55 (b)(1), a party is entitled to judgment by default where, "If the plaintiff's claim is for a sum certain or a sum that can be made certain by computation, the clerk — on the plaintiff's request, with an affidavit showing the amount due — must enter judgment for that amount and costs against a defendant who has been defaulted for not appearing and who is neither a minor nor an incompetent person."

In this matter, an Entry of Default was entered against Defendant Lord, Worrell & Richter on April 14, 2011. Defendant Lord, Worrell & Richter is not a minor or incompetent person. Further in this matter, an Entry of Default was entered against Defendant Raymond Worrell on June 19, 2012. Defendant Raymond Worrell is not a minor or incompetent person.

Plaintiffs' Complaint sets forth Defendants' violations of the Fair Labor Standards Act ("FLSA"), the New Jersey State Wage & Hour Laws, the New Jersey Wage Payment Law, breach of contract, and unjust enrichment. In short, Defendant Lord Worrell & Richter failed to pay Plaintiffs their full hourly wages. Plaintiffs seek actual and liquidated damages for Defendant Lord Worrell & Richter's failure to pay wages owed. Each Plaintiffs' claim is for a sum certain as set forth in Plaintiffs' Declarations in Exhibit "A".

Conclusion:

For the foregoing reasons, Plaintiffs request that this Honorable Court enter default judgment in the amount of \$813,000 in their favor and against Defendant Lord, Worrell & Richter and Defendant Raymond Worrell.

Respectfully submitted,

SWARTZ SWIDLER, LLC

/s/ Richard S. Swartz

Richard S. Swartz, Esq.

Manali Arora, Esq.

1878 Marlton Pike East, Ste. 10

Cherry Hill, NJ 08003

Phone: 856-685-7420

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Dated: August 24, 2012

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FOR THE DISTRICT OF NEW JERSEY

SHARON HUNT-RUBLE, as administrator :
of the estate of EDWIN RUBLE, deceased, :
and NORMAN ECCLESTON and LEO :
ZUBE and KEITH HOHENSTEIN, :
Plaintiffs, : CIVIL ACTION
v. : CASE NO.: 1:10-CV-04520
LORD, WORRELL & RICHTER, INC., :
and RAYMOND WORRELL, and JOHN :
DOES 1-10 and XYZ CORPORATIONS :
1-10.
Defendants.

CERTIFICATE OF SERVICE

I certify that on the date set forth below I served the foregoing Request for Default Judgment, Proposed Order, Declaration, and Memorandum of Law on Defendant Lord, Worrell & Richter, Inc. and Defendant Raymond Worrell via first-class mail and certified-mail, postage prepaid, at the following address:

RAYMOND WORRELL
651 High St.
Burlington, NJ 08016

LORD, WORRELL & RICHTER, INC.
651 High St.
Burlington, NJ 08016

(Signature on next page)

Respectfully submitted,

SWARTZ SWIDLER, LLC

/s/ Richard S. Swartz

Richard S. Swartz, Esq.
1878 Marlton Pike East, Ste. 10
Cherry Hill, NJ 08003
Phone: 856-685-7420
Fax: 856-685-7417

Dated: August 24, 2012

Exhibit “A”

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

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of the estate of EDWIN RUBLE, deceased, :	
and NORMAN ECCLESTON and LEO	:
ZUBE and KEITH HOHENSTEIN,	:
	CIVIL ACTION
Plaintiffs,	:
	CASE NO.: 1:10-CV-04520
v.	:
LORD, WORRELL & RICHTER, INC.,	:
and RAYMOND WORRELL, and JOHN	:
DOES 1-10 and XYZ CORPORATIONS	:
1-10.	:
Defendants.	:

DECLARATION OF SHARON HUNT-RUBLE, AS ADMINISTRATOR
OF THE ESTATE OF EDWIN RUBLE

1. I, Sharon Hunt-Ruble, as Administrator of the Estate of Edwin Ruble, hereby depose as follows:
2. Edwin Ruble worked for Defendants as an Instrument Man from August 1973 until April 2010, working on average 40 hours per week.
3. At all times relevant to this action, Defendants contractually agreed to compensate Mr. Ruble at the rate of \$28.00 per hour.
4. For the period of May 2007 to January 2010, however, Defendants only paid Mr. Ruble \$7.25 per hour, promising to make up the shortfall of \$20.75 per hour at a later date.
5. Thus, for the period of May 2007 to January 14, 2010, Defendants shorted Mr. Ruble \$117,030.00 (141 weeks during said period, multiplied by 40 hours worked per week, multiplied by \$20.75/hour, equals \$117,030.00).

6. Accordingly, in total, Defendants owe Mr. Ruble \$117,030.00 in unpaid wages.
7. Defendant Worrell made the decisions not to pay Mr. Ruble the wages due him.
8. I, Sharon Hunt-Ruble, as Administrator of the Estate of Edwin Ruble, declare under penalty of perjury that the foregoing is true and correct to the best of my information and belief.



SHARON HUNT-RUBLE, as Administrator
of the Estate of Edwin Ruble

Date: 5-17-11

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

SHARON HUNT-RUBLE, as administrator :
of the estate of EDWIN RUBLE, deceased, :
and NORMAN ECCLESTON and LEO
ZUBE and KEITH HOHENSTEIN, :
Plaintiffs, : CIVIL ACTION
v. : CASE NO.: 1:10-CV-04520
LORD, WORRELL & RICHTER, INC., :
and RAYMOND WORRELL, and JOHN
DOES 1-10 and XYZ CORPORATIONS :
1-10.
Defendants.

DECLARATION OF NORMAN ECCLESTON

1. I, Norman Eccleston hereby depose as follows:
2. I worked for Defendants as a Project Inspector from July 1994 until April 2010, working on average 40 hours per week.
3. At all times relevant to this action, Defendants contractually agreed to compensate me at the rate of \$20.00 per hour.
4. For the period of May 2007 to January 2010, however, Defendants only paid me \$7.25 per hour, promising to make up the shortfall of \$12.75 per hour at a later date.
5. Thus, for the period of May 2007 to January 2010, Defendants shorted me \$70,890.00 (139 weeks during said period, multiplied by 40 hours worked per week, multiplied by \$12.75/hour, equals \$70,890).
6. Further, for the period of January 2010 to April 2010, Defendants failed to pay any wages for the full-time (40 hours per week) work I performed for them.

7. Thus, for the period of January 2010 to April 2010, Defendants shorted me \$10,400.00 (13 weeks during said period, multiplied by 40 hours worked per week, multiplied by \$20.00, equals \$10,400.00).

8. Accordingly, in total, Defendants owe me \$81,290.00 in unpaid wages.

9. Defendant Worrell made the decisions not to pay the wages due me.

10. I, Norman Eccleston declare under penalty of perjury that the foregoing is true and correct to the best of my information and belief.



NORMAN ECCLESTON

Date: 5/16/11

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

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of the estate of EDWIN RUBLE, deceased, :
and NORMAN ECCLESTON and LEO
ZUBE and KEITH HOHENSTEIN,

CIVIL ACTION

Plaintiffs,

CASE NO.: 1:10-CV-04520

v.

LORD, WORRELL & RICHTER, INC., :
and RAYMOND WORRELL, and JOHN
DOES 1-10 and XYZ CORPORATIONS
1-10.

Defendants.

DECLARATION OF LEO ZUBE

1. I, Leo Zube hereby depose as follows:
2. I worked for Defendants as Survey Coordinator from January 1973 until April 2010, working on average 40 hours per week.
3. At all times relevant to this action, Defendants contractually agreed to compensate me at the rate of \$28.00 per hour.
4. For the period of May 2007 to January 2010, however, Defendants only paid me \$7.25 per hour, promising to make up the shortfall of \$20.75 per hour at a later date.
5. Thus, for the period of May 2007 to January 2010, Defendants shorted me \$115,370 (139 weeks during said period, multiplied by 40 hours worked per week, multiplied by \$20.75/hour, equals \$115,370.00).
6. Further, for the period of January 2010 to April 2010, Defendants failed to pay any wages for the full-time (40 hours per week) work I performed for them.

7. Thus, for the period of January 2010 to April 2010, Defendants shorted me \$14,560.00 (13 weeks during said period, multiplied by 40 hours worked per week, multiplied by \$28.00, equals \$14,560.00).

8. Accordingly, in total, Defendants owe me \$129,930.00 in unpaid wages.

9. Defendant Worrell made the decisions not to pay the wages due me.

10. I, Leo Zube declare under penalty of perjury that the foregoing is true and correct to the best of my information and belief.

Leo Zube
LEO ZUBE

Date: 5/13/11

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

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of the estate of EDWIN RUBLE, deceased, :
and NORMAN ECCLESTON and LEO
ZUBE and KEITH HOHENSTEIN,

CIVIL ACTION

Plaintiffs,

CASE NO.: 1:10-CV-04520

v.

LORD, WORRELL & RICHTER, INC., :
and RAYMOND WORRELL, and JOHN
DOES 1-10 and XYZ CORPORATIONS
1-10.

Defendants.

DECLARATION OF KEITH HOHENSTEIN

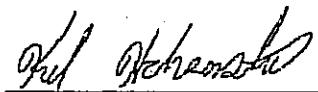
1. I, Keith Hohenstein hereby depose as follows:
2. I worked for Defendants as an Instrument Man from August 1973 until April 2010, working on average 40 hours per week.
3. At all times relevant to this action, Defendants contractually agreed to compensate me at the rate of \$19.50 per hour.
4. For the period of May 2007 to January 2010, however, Defendants only paid me \$7.25 per hour, promising to make up the shortfall of \$12.25 per hour at a later date.
5. Thus, for the period of May 2007 to January 2010, Defendants shorted me \$68,110.00 (139 weeks during said period, multiplied by 40 hours worked per week, multiplied by \$12.25/hour, equals \$68,110.00).
6. Further, for the period of January 2010 to April 2010, Defendants failed to pay any wages for the full-time (40 hours per week) work I performed for them.

7. Thus, for the period of January 2010 to April 2010, Defendants shorted me \$10,140.00 (13 weeks during said period, multiplied by 40 hours worked per week, multiplied by \$19.50 equals \$10,140.00).

8. Accordingly, in total, Defendants owe me \$78,250.00 in unpaid wages.

9. Defendant Worrell made the decisions not to pay the wages due me.

10. I, Keith Hohenstein declare under penalty of perjury that the foregoing is true and correct to the best of my information and belief.



Keith Hohenstein

Date: 5-13-11